

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Tower Street Capital Management Inc.,

Plaintiff,

vs.

KnightBrook Insurance Company,

Defendant.

C/A No.: 3:17-cv-01781-JFA

**ORDER**

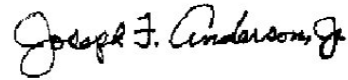
This matter is back before the court regarding the previously filed cross-motions for summary judgment. (ECF Nos. 48 & 50). Previously, this court received full briefing, supplemental briefing, and heard oral argument on these motions. However, in lieu of ruling on these motions, the court found it prudent to certify two questions to the Supreme Court of South Carolina requesting clarification on the law of South Carolina as it pertains to the contract in dispute here. (ECF No. 82). Consequently, the court denied both motions for summary judgment without prejudice with leave to re-file after the South Carolina Supreme Court responded to the order for certification. (ECF No. 83).

Thereafter, each party submitted briefing to the South Carolina Supreme Court and presented oral argument as well. After hearing oral argument, the South Carolina Supreme Court rescinded its agreement to answer the certified questions but did offer this court the opportunity to narrow its questions and recertify them to the Supreme Court. (ECF No. 92). After further review, this court declines the invitation to narrow its questions and will instead consider the original motions for summary judgment. In doing so, the court will consider each of the parties' original briefings and oral arguments, as well as the additional

briefings and oral arguments presented to the South Carolina Supreme Court. Thus, this court vacates its previous order denying the cross-motions for summary judgment (ECF No. 83) and requests that the clerk reactivate these motions (ECF Nos. 48 & 50).

IT IS SO ORDERED.

May 20, 2020  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge